

To: "Nawi, David" [David_Nawi@ios.doi.gov]
Cc: Michael Tucker [michael.tucker@noaa.gov]; eanna Harwood [Deanna.Harwood@noaa.gov]; Barajas, Federico" [FBarajas@usbr.gov]; Monroe, Jim" [James.Monroe@sol.doi.gov]; N=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA;"Belin, Letty" [Letty_Belin@ios.doi.gov]; Belin, Letty" [Letty_Belin@ios.doi.gov]; Chotkowski, Michael" [michael_chotkowski@fws.gov]; Idlof, Patricia S (Patti)" [Pidlof@usbr.gov]; Allen, Kaylee" [Kaylee.Allen@sol.doi.gov]
Bcc: CN=Erin Foresman/OU=R9/O=USEPA/C=US[]
From: CN=Tom Hagler/OU=R9/O=USEPA/C=US
Sent: Mon 3/5/2012 10:36:12 PM
Subject: RE: Purpose Statement
Pidlof@usbr.gov
(916) 414-2404
pidlof@usbr.gov
hagler.tom@epamail.epa.gov

I note, mainly FYI, that the Purpose Statement included in the publicly released materials last week is not the same language that was "agreed to" between David N. and Mark C.

Here is what went out last week, taken from the Draft EIS at Chapter 2, at page 2-4:

14 The above Purpose Statement reflects the intent to advance the coequal goals set forth in the
15 Sacramento–San Joaquin Delta Reform Act of 2009 of providing a more reliable water supply for
16 California and protecting, restoring, and enhancing the Delta ecosystem. The above phrase—restore
17 and protect the ability of the SWP and CVP to deliver up to full contract amounts—is related to the
18 upper limit of legal CVP and SWP contractual water amounts and delineates an upper bound for
19 development of EIR/EIS alternatives, not a target. As indicated by the use of “up to full contract
20 amounts,” alternatives need not be capable of delivering full contract amounts on average in order
21 to meet the project purposes. It is not intended to imply that increased quantities of water will be
22 delivered under the BDCP. For the purpose of NEPA, alternatives that depict design capacities or
23 operational parameters that would result in deliveries of less than full contract amounts are
24 consistent with this purpose.

The highlighted language was added. It was not included in the paragraph as circulated by David on Feb 23 (included below).

I am assuming that this language was added because someone wants to be able to argue that the CEQA purpose, as opposed to the NEPA purpose, requires some quantity of deliveries in order to meet the CEQA purposes. That is, with this new language, there are two different purpose statements.

Interesting.

From: "Nawi, David" <David_Nawi@ios.doi.gov>
To: Tom Hagler/R9/USEPA/US@EPA, Michael Tucker <michael.tucker@noaa.gov>
Cc: Deanna Harwood <Deanna.Harwood@noaa.gov>, "Barajas, Federico" <FBarajas@usbr.gov>, "Monroe, Jim" <James.Monroe@sol.doi.gov>, Karen Schwinn/R9/USEPA/US@EPA, "Belin, Letty" <Letty_Belin@ios.doi.gov>, "Chotkowski, Michael" <michael_chotkowski@fws.gov>, "Idlof, Patricia S (Patti)" <Pidlof@usbr.gov>, "Allen, Kaylee" <Kaylee.Allen@sol.doi.gov>

Date: 02/23/2012 09:25 AM
Subject: RE: Purpose Statement

I just spoke to Mark. He has not intended to propose the change Mike Tucker distributed, and has agreed to incorporate just the added sentence in the language currently on the website and reflected in my earlier email. I believe (and hope) that this issue is closed, at least for now.

From: Michael Tucker <michael.tucker@noaa.gov>
To: "Idlof, Patricia S (Patti)" <Pidlof@usbr.gov>
Cc: "Nawi, David" <David_Nawi@ios.doi.gov>, Karen Schwinn/R9/USEPA/US@EPA, Tom Hagler/R9/USEPA/US@EPA, "Belin, Letty" <Letty_Belin@ios.doi.gov>, "Barajas, Federico" <FBarajas@usbr.gov>, Deanna Harwood <Deanna.Harwood@noaa.gov>, "Monroe, Jim" <James.Monroe@sol.doi.gov>, "Chotkowski, Michael" <michael_chotkowski@fws.gov>
Date: 02/22/2012 09:28 AM
Subject: Re: Purpose Statement

Unfortunately, the text that Mark provided below is quite different from what has shown up in the draft document provided by ICF (Chapter 2 of EIR/EIS). The new draft includes Mark's addition, but also includes several other key words and qualifying phrases that I had not seen before (attached with differences highlighted). I think that all the Fed agencies need to look at this and decide if we can accept the new changes.

Mike

On Tue, Feb 21, 2012 at 4:14 PM, Idlof, Patricia S (Patti) <Pidlof@usbr.gov> wrote:
David,
Reclamation is agreeable to adding the proposed hi-lighted sentence below to the Purpose and Need Statement contained in Chapter 2 of the BDCP EIR/EIS.

Patti Idlof
Office: (916) 414-2404
pidlof@usbr.gov

From: Nawi, David
Sent: Monday, February 13, 2012 4:27 PM
To: Karen Schwinn; hagler.tom@epamail.epa.gov; Belin, Letty; Idlof, Patricia S (Patti); Barajas, Federico; 'Deanna Harwood'; Monroe, Jim; Michael Tucker; Chotkowski, Michael
Subject: Purpose Statement

Mark Cowin would like to add the highlighted language to the purpose statement in the current version of the DEIS/EIR, set out below. The language is a direct quote from the October 26, 2010 letter from the three federal lead agency RDs to EPA (letter attached for you reference, as well as Chapter 2 of draft BDCP, see p. 5 for relevant language). As I understand it, the intent in proposing the inclusion of the added language is to make clear that the language is focused on average amounts.

Please provide a reaction to the proposed additional language, and include anyone else who should review this.

The above Purpose Statement reflects the intent to advance the coequal goals set forth in the Sacramento–San Joaquin Delta Reform Act of 2009 of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The above phrase—restore and protect the ability of the SWP and CVP to deliver up to full contract amounts— is related to the upper limit of legal CVP and SWP contractual water amounts and delineates an upper bound for development of EIR/EIS alternatives, not a target. It is not intended to imply that increased quantities of water will be delivered under the BDCP. As indicated by the "up to full contract amounts" phrase, alternatives need not be capable of delivering full contract amounts on average in order to meet the project purposes. Alternatives that depict design capacities or operational parameters that would result in deliveries of less than full contract amounts are consistent with this purpose.

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Michael Tucker
BDCP Branch Supervisor
NOAA Fisheries Central Valley Office
(916)-930-3604

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